



2013-2014 ANNUAL REPORT OF THE WATER QUALITY ADVISORY GROUP TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL

Established by the Water Quality Discharge Law, the Water Quality Advisory Group (WQAG) is required to report once a year to the County Executive and Council on its activities and findings. This report discusses the issues confronted by the WQAG during the past year and summarizes its activities and recommendations during 2013, and planned areas of focus for 2014. The leadership of the group continued with two co-chairs: Tanya Spano and Elizabeth Forbes. The WQAG also maintained its focus on three broad subject areas: (1) Development and Environmental Site Design (ESD); (2) Total Maximum Daily Loads (TMDLs) and Pollution Reduction; and (3) Emerging Issues/Outreach. Several new members joined the WQAG, but ongoing attrition from turnover will create the need for additional participants. WQAG members continue various efforts to solicit membership for these vacancies.

In addressing the issues of water quality in 2013, the WQAG relied on the expertise of its members, as well as consulting subject-matter experts, staff and department representatives to present information and options on the broad areas defined as 2013 priorities. This consultative process informed the WQAG's deliberations on its 2013 actions and recommendations. The WQAG meetings included presentations organized to regularly bring in outside speakers and technical experts to brief the WQAG on how the issues affect or are implemented in the County, and to share their perspectives.

Summary of 2013 Activities and Recommendations

1. High Quality Waters

The WQAG actively reviews the State's efforts to evaluate and update the Clean Water Act's Tier 2 stream designation. The WQAG sent a letter recommending that the County advise the State to review and potentially recognize other High Quality Waters in the County. In response to this 2012 letter to County Executive Isaiah Leggett, WQAG received a 2013 executive response in which the County Executive stated he had "requested DEP to draft a letter requesting that MDE use all readily available County data in the next 305(b) water quality assessment and designated use determination." We understand that the State was engaged with the County to continue to work on this effort. The WQAG continues to follow this issue.

2. MS4 Permit Requirements

The County's MS4 permit provides the regulatory authority for watershed protection activities, including the establishment of Total Maximum Daily Loads for certain pollutants, including trash and coliform bacteria. The WQAG continues to monitor

this effort, which, by 2015, requires additional stormwater management for 20 percent of impervious surfaces.

3. Bag Fee Act

The WQAG continues to support this legislation, and congratulated the Montgomery County Council on having passed it. The WQAG sent a letter to the Council stating its belief that exempting some businesses from this fee would be counterproductive, as it has been helpful in reducing the number of plastic bags discharged into the environment.

Summary of 2013 Presentations/Technical Experts

Invited Speakers/Topics:

1. Meo Curtis (DEP)/Watershed Protection Outreach Activities

In the first meeting of 2013, Meo Curtis (DEP) discussed a trash reduction advertising campaign, as well as public education efforts regarding the importance of proper disposal of animal (pet) waste.

2. Ana Arriza/DEP's Stream Stewards Volunteer Program

Montgomery County has a need for volunteers to become involved with stormwater management outreach and education. As of this time (January 2013) DEP's Stream Stewards Volunteer Program has 40 volunteers. However, the required orientation program may be too technical for younger (adolescent) volunteers. The WQAG members suggested that high school environmental clubs may house potential volunteers for whom this may not be an issue. Another potential source of volunteers is the population of retired EPA and State employees.

3. Scott Stranko (Maryland DNR)/Development Impact on Streams

On February 11, Mr. Stranko presented information related to the impact of development on stream health, with emphasis on road salt as a major offender. DNR has collected data from more than 4,000 stream sites during 17 years. His observations suggest that streams do not return to their original high-quality state even after years of recovery from runoff-related damage.

4. Ten Mile Creek Development

a. Robert Harris (Lerch, Early & Brewer) commented (February 2013) that development in this area will be developed using Environmental Site Design and such practices will address the effects of impervious cover.

b. K.C. Reed (Loiederman Soltesz Associates, Inc.) said the proposed development will retain 80 percent of existing riparian fringe and maintain drainage patterns.

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- c. **Chuck Pace (NewFields)** addressed issues related to imperviousness and that other factors also play roles in stream quality (in this case, especially due to the 175-foot riparian buffer).

5. Charles Gougon (Maryland DNR)/Fish Populations and Relationships to Imperviousness, Habitat, and Water Quality

Highlights of this March 2013 presentation: 1) development should not occur in headwater areas; 2) imperviousness is associated with poor stream quality/increasing stream instability; 3) stream habitat and water quality continue to degrade following development; 4) take geology into account when addressing potential impacts from proposed watershed development.

6. Diane Cameron/Audubon Naturalist Society/Ten Mile Creek Watershed

Ms. Cameron presented (March 2013) an overview of the Ten Mile Creek watershed, proposed development therein, and recommendations. Her organization assists with water quality monitoring, research, and advocacy. She suggested the WQAG support the protection of Ten-Mile Creek via science-based performance standards for development (which would include limits on imperviousness and construction).

7. Mark Symborski (MNCPPC)

a. Role of Impervious Limits and ESD on Watersheds

The presentation provided an overview of the impacts of development on the environment, the principles of environmental protection, the State's view of Environmental Site Design (ESD) and what it is intended to achieve, the benefits and limitations of ESD, the role of impervious cover in stream health, the continuing importance of limiting impervious cover and development footprint in combination with ESD—especially in high-quality watersheds, and why pervious pavements are given stormwater management credits but not credit towards meeting imperviousness limits.

b. Preliminary Biological Condition Gradient (BCG) for Montgomery County

The presentation provided an update on the continuing development of a BCG that can be used in Montgomery County. A BCG can be used to augment the results of stream biological monitoring to provide a measure of stream fragility/sensitivity, measures of risks of further degradation as well as improvement, and to indicate when sites are increasingly at risk even though the stream monitoring results still indicate “good” condition. A BCG can be used to identify waters that show early signs of degradation and where protection or restoration efforts could be most efficient and successful.

c. Zoning Code Rewrite

Updates were provided as needed on the progress of the County's Zoning Code Rewrite project. The WQAG was provided copies of the table prepared by M-NCPPC staff to show how ESD was addressed in the new Zoning Code.

8. Jessica Wright (WSSC)/Update on Consent Decree Projects in Montgomery County

WSSC, EPA and local citizens groups entered into a Consent Decree to settle litigation alleging that WSSC had violated the Clean Water Act by failing to properly maintain their sewer pipes. In her October 2013 presentation, Ms. Wright described the program developed under the Consent Decree as one of repair and rehabilitation with the goal of reducing overflows/backups. The priority 1 projects are due for completion in December 2015. Additional work has been necessary to the aging infrastructure. Construction delays have been due to a dispute between Maryland DNR and WSSC regarding Forest Conservation Act requirements of long term protection on easements acquired by WSSC to construct access roads to lessen the impact to Environmentally Sensitive Areas (non-tidal wetlands and buffers, 100-year floodplains, steep slopes, highly erodible soils, and streams).

9. Tanya Spano (WQAG; MWCOG)/Blue Plains Intermunicipal Agreement

The November 2013 presentation centered on the agreement between Montgomery County; District of Columbia; DC Water; Fairfax County; Prince George's County; and WSSC, which replaces the previous (1985) agreement that codifies the relationship between the Parties to provide wastewater treatment at the Blue Plains wastewater treatment plant – which actually provides the majority of such treatment for Montgomery County.

Emerging and Continuing Issues

- 1. Storm Drain Art:** The WQAG continues to explore the potential for art surrounding storm drains to increase public awareness of stormwater's environmental impact. Such programs have been successfully implemented in other locales (Columbia, MO; Baltimore; Reno, NV; Prince George's County; Philadelphia; Bowie, MD; and Michigan City, IN). The concept involves local artists (professional, amateur, school-based) developing water/pollution-themed murals on selected storm drains. The program offers potential partnership opportunities between local government and institutions (e.g., Strathmore), local art galleries, and local watershed alliances.
- 2. Ten Mile Creek Watershed:** Ten Mile Creek is a reference stream for the western portion of Montgomery County. It plays an important role in assessing the health of waterways that are affected by pollution/runoff. The WQAG applauds the decision made by the County to not build an addition to the Clarksburg Detention Center, nor to develop the County-owned Norwood site. The WQAG will continue to monitor potential development in this area and make recommendations as necessary.

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Areas of Focus for the Coming Year

The WQAG will continue to invite speakers and presenters to provide information on topics and issues that can potentially affect water quality. Topics of interest include (but are not limited to):

- Agricultural BMPs (NRCS)
- Expert panel on water quality benefits on stream restorations
- Carbon sequestration
- Community gardening
- E&S plan transparency
- Impact of climate change on water resources
- New Smart Growth stormwater laws allowing nutrient trading
- MDE Industrial Stormwater Permit and related litigation
- WSSC project work
- MDE appeal - MS4 permit insufficiently specific
- Fracking
- Special Protection Areas
- DEP Budget FY 2015
- Sulfate and chloride impairments